

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

REC'D 01 DEC 2005

WIPO

PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>SSW P17WO</b>	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. <b>PCT/US04/35230</b>	International filing date (day/month/year) <b>25 October 2004 (25.10.2004)</b>	Priority date (day/month/year) <b>24 October 2003 (24.10.2003)</b>	
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): F24C 15/16; A47B 88/00; A47F 5/02 and US Cl.: 126/338; 312/305; 211/144</b>			
Applicant <b>SSW HOLDING COMPANY, INC.</b>			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) ___ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p>	
<p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand <b>24 August 2005 (24.08.2005)</b>	Date of completion of this report <b>03 November 2005 (03.11.2005)</b>
Name and mailing address of the IPEA/ US <b>Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201</b>	Authorized officer <b>Alfred Basichas <i>Sharon A. Greene, Jr.</i></b> Telephone No. 571 272 4871

Form PCT/IPEA/409 (cover sheet)(April 2005)

**BEST AVAILABLE COPY**

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/35230

## Box No. I Basis of the report

## 1. With regard to the language, this report is based on:

the international application in the language in which it was filed.

a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4(a))
- international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages 1-10 \_\_\_\_\_ as originally filed/furnished  
 pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:

pages 11 \_\_\_\_\_ as originally filed/furnished  
 pages\* NONE \_\_\_\_\_ as amended (together with any statement) under Article 19  
 pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:

pages 1/4-4/4 \_\_\_\_\_ as originally filed/furnished  
 pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."  
 Form PCT/IPEA/409 (Box No. I) (April 2005)

BEST AVAILABLE COPY

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/35230

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)

Claims 3  YES  
Claims 1,2  NO

Inventive Step (IS)

Claims NONE  YES  
Claims 1-3  NO

Industrial Applicability (IA)

Claims 1-3  YES  
Claims NONE  NO

## 2. Citations and Explanations (Rule 70.7)

Claims 1 and 2 lack novelty under PCT Article 33(2) as being anticipated by Hirsch, Bitney, or Partonnar, which show all of the claimed limitations. Specifically, as can be ascertained from the drawings of the aforementioned references, Hirsch, Bitney, and Partonnar show an oven rack made of wire frame including a cutout/opening for a pivotally supported circular revolving member and pivot means.

Claim 3 lacks an inventive step under PCT Article 33(3) as being obvious over Hirsch, Bitney, or Partonnar, which disclose substantially all of the claimed limitations, as discussed above. Hirsch, Bitney, and Partonnar do not specifically recite a plurality of revolving member. Nevertheless, duplicating parts for a multiplied effect is well within the skill and ability of a skilled artisan. Accordingly, it would have been obvious to one of ordinary skill in the art to provide a plurality of revolving members into the invention disclosed by Hirsch, Bitney, or Partonnar, so as to provide a multiplied effect.

Claim 3 the criteria set out in PCT Article 33(2), because the prior art does not teach or fairly suggest a plurality of revolving members.

Claims 1-3 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----